

ITW | \$

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David W. NELSON

Appl. No. 10/719,063

Confirmation No. 9139

Filed: November 24, 2003

For: Capturing Device for Insects

Art Unit: 3643

Examiner: to be assigned

Atty. Docket No.: 36729-198472

Customer No.:

26694

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of July 1, 2004, please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

01/04/2005 JBALIAN 00000077 220261 10719063

02 FC:1251 120.00 DA

01/31/2005 EBURNS 00000006 220261 10719063

01 FC:1251 120.00 DA


designed to poison insects. One skilled in the art would not be motivated to employ passive mechanical traps or passive poison traps to actively trap an insect. The Shuster patent is the most relevant and applicable reference because it involves an active device. However, for the same reasons that Shuster did not render the parent application anticipated or obvious, claims 18 and 19 are allowable. Shuster *inter alia*, did not disclose a device that allowed the substrate to conform to the insect. Moreover, as discussed above, the device recited in claim 14 is further distinguishable from Shuster's method. Shuster discloses using a device having a first layer of conventional cellophane tape and a compressible pad underneath. Here, the leading edge of the device is comprised of compressible material. When the material is compressed a predetermined distance, the adhesive in the wells is allowed to engage the insect. It is submitted that nothing in the prior art teaches or suggests this novel method of trapping an insect or pest.

CONCLUSION

Wherefore, it is submitted that each of the Examiner's rejections has been traversed and, as the case is otherwise in condition for allowance, a notice to that effect is solicited.

Respectfully submitted,

Date: January 3, 2005


Andrew C. Aitken
Registration No. 36,729
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300